In re ) Fair Hearing No. R-07/09-368
)
Appeal of )

## INTRODUCTION

The petitioner appeals the decision by the Department
for Children and Families, Economic Services Division, Office
of Vermont Health Access that she and her husband are no
longer eligible for VPharm benefits.  The issue is whether
the petitioner's household income exceeds the maximum
allowable under that program.

## FINDINGS OF FACT

1.  The petitioner lives with her husband.  She timely
reported to the Department that her husband had returned to
work in May 2009.  In a decision dated June 23, 2009, the
Department notified the petitioner that the household would
be ineligible for VPharm benefits due to excess income.[1]

2.  The petitioner does not dispute that in May and June
2009 her family's income was in excess of the program maximum
of $2,744 a month for a two-person household.  However, she
alleges that her monthly prescription drug expenses

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[1] The Department found the petitioner and her husband eligible for the HVP
program, which provides participants with pharmaceutical discounts.

significantly exceed the amount that her family income

exceeds the VPharm maximum.

3.   At the hearing (held on August 7, 2009) the

petitioner was advised that she could reapply for VPharm

based on any change in her family's circumstances, including

a voluntary reduction in income.

ORDER

The Department's decision is affirmed.

REASONS

Income eligibility for VPharm is determined based on all

earned and unearned income in the household.  W.A.M. §

4001.81.  As noted above, the petitioner does not dispute

that her income for May ($3,903.25) and June ($2,849.75) was

in excess of the VPharm program maximum of $2,744 for a

household of two persons.  Procedures Manual § P-2420.

Inasmuch as there is no dispute that the Department correctly

determined the petitioner's income for May and June 2009, and

that its decision was in accord with the above regulations,

the Board is bound to affirm that decision.  3 V.S.A. §

3091(d), Fair Hearing Rule No. 1000.4D.

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